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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4080

13 **DIPAK NARENDREA PATEL**
8600 Maple Hall Drive
Sacramento, CA 95823

A C C U S A T I O N

14 Pharmacist License No. RPH 60788

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about March 6, 2008, the Board of Pharmacy issued Pharmacist License
22 Number RPH 60788 to Dipak Narendra Patel (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on July 31,
24 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states in pertinent part that every license issued may be suspended or revoked.

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY REFERENCES

6. Section 4301 of the Code states in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

• • • • •

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

• • • • •

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

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COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Conviction of a Crime Substantially Related)

3 8. Respondent is subject to disciplinary action under section 4301 subdivision (l) in that
4 Respondent has been convicted of crimes substantially related to the qualifications, functions and
5 duties of a licensed pharmacist as follows:

6 a. On or about April 13, 2009, Respondent was convicted in the Superior Court of
7 Fresno County on a plea of no contest of violating Vehicle Code section 23152
8 subdivision (b) (driving while under the influence of alcohol - misdemeanor) in the case
9 known as People v. Dipak Narendra Patel, Case No. M08927782. The circumstances
10 are that on or about August 24, 2008, Respondent was arrested at a DUI checkpoint for
11 drunk driving. Respondent's blood alcohol content was .16.

12 b. On or about May 21, 2008, Respondent was convicted in the Superior Court of
13 Fresno County on a plea of guilty of violating Vehicle Code section 23152 subdivision
14 (b) (driving while under the influence of alcohol - misdemeanor) in the case known as
15 People v. Dipak Narendra Patel, Case No. M08927782. The circumstances are that on
16 or about November 30, 2007, Respondent was spotted driving on Highway 99 at night
17 without headlights and weaving on the road. Respondent's blood alcohol content was
18 .19.

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Administering to Oneself an Alcoholic Beverage to the Extent or in a Manner as to be
21 Dangerous or Injurious)

22 9. Respondent is subject to disciplinary action under section 4301 subdivision (h) in that
23 on or about November 30, 2007, and again on August 24, 2008, Respondent consumed alcohol
24 and then drove his car with a blood alcohol content of .19 and .16, as set forth in paragraph 8,
25 above, thereby placing himself and others in danger.

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(Multiple Convictions Involving the Use, Consumption, or Self-Administration of any Dangerous Drug or Alcoholic Beverage)

10. Respondent is subject to disciplinary action under section 4301 subdivision (k) in that on or about May 21, 2008, and again on April 13, 2009, (as set forth in paragraph 8, above), Respondent was convicted of violating Vehicle Code section 23152 subdivision (b), misdemeanors involving the use, consumption, or self-administration of alcoholic beverages, specifically driving while under the influence of alcohol.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 60788, issued to Dipak Narendra Patel;
2. Ordering Dipak Narendra Patel to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

8/16/12

Virginia Hedd

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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